

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

KEITH HIGGINBOTHAM

PLAINTIFF

V.

NO. 1:198CV24-GHD-JMV

VERNON EICHELBERGER, ET AL.

DEFENDANTS

ORDER

Before the Court is Keith Higginbotham's motion [2] to proceed in this action filed pursuant to 42 U.S.C. § 1983 without prepayment of costs or giving security therefor ("IFP motion"). Having carefully considered the IFP motion, the undersigned finds Mr. Higginbotham must provide additional information.

A district court may authorize the commencement of an action without the payment of the filing fee by persons who submit an affidavit that they are "unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). The court must, then, examine the financial condition of the applicant[s] in order to determine whether payment of fees would "cause [an] undue financial hardship." *Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988). Here, the only information Mr. Higginbotham provides regarding his financial situation is the fact he is "currently under a chapter 13 bankruptcy in this court's bankruptcy wing." This is not enough information on which the Court may base its determination. Accordingly, Mr. Higginbotham must complete a copy of the *in forma pauperis* application attached to this order and return it within fourteen (14) days of this date.

Further, because Mr. Higginbotham states he is currently involved in bankruptcy proceedings, in addition to the completed *in forma pauperis application*, he must also attach a copy of the subject petition filed in the bankruptcy court along with the schedule of assets filed in that proceeding.

Mr. Higginbotham is warned that all the information requested above must be submitted within fourteen (14) days of this date, or he will risk dismissal of this case for failure to obey an order of the Court.

This 4th day of March, 2019.

/s/ Jane M. Virden
U. S. Magistrate Judge